

REMARKS

In a final Office Action dated 17 April 2007, all pending claims 1-9 are rejected on prior art grounds. In reply, this Amendment is submitted along with a Request for Continued Examination pursuant to 37 CFR 1.114 and the requisite fee under 37 CFR 1.17(e). Entry and consideration hereof is respectfully requested. The Examiner's particular rejections are now addressed in turn.

Claims 1-5 and 9 are rejected as being anticipated under 35 U.S.C. 102(b) by U.S. Patent No. 6,186,960 to Tripp. Herein, claims 1, 2, 4-6, and 9 are amended to further distinguish the claims from Tripp and the remaining cited references. Specifically, claim 1 is now revised to recite a blood collection device comprising, inter alia,

"wherein the needle holder contains at least two finger members that engage relative to the housing to retain the needle holder to the housing, each finger member being deflectable between a locking position where the finger member retains the needle holder to the housing, and a release position where the needle holder can be retracted into the housing."
(Emphasis added.)

A non-limiting general example of this claim element can be seen in Applicant's Figures 6A and 6B where a nosepiece 2 is configured to hold a needle 1A and includes at least two finger members 2B for engaging the nosepiece 2 onto the housing 46. See specification at: page 12, lines 4-19; page 13, lines 20-32; and page 14, lines 1-14. In this example, the finger members 2B are deflectable between a locking position (Figure 6A) and a release position (Figures 5 and 6B). *Id.* In the locking position, the nosepiece 2 is retained to the housing 46; in the release position, the nosepiece 2 is retracted into the housing 46 by a vacuum action. *Id.*

The above quoted limitation is simply not found in the Tripp reference. Instead, Tripp teaches a medical collection tube holder 10 having a detachable needle port hub 14 which is retained within a body 12 of the tube holder 10 by a hub release ring 16. Col. 4, line 50 through col. 5, line 5. To release the detachable needle port hub 14, an evacuated accessory 18 is inserted into the tube holder body 12 and pressed against the hub 14. By

doing so, the hub release ring 16 is pushed off the needle port hub 14 and into an annular channel 42. Col. 6, lines 20-44; Figures 5-7. The needle hub 14 is thus liberated from the tube holder body 12 and is permitted to withdraw into the evacuated accessory 18.

Clearly, Tripp does not disclose a needle holder which “contains at least two finger members that engage relative to the housing to retain the needle holder to the housing”, as recited in Applicant’s claim 1. To the contrary, as discussed immediately above, Tripp utilizes a hub release ring 16. Tripp clearly describes and illustrates the hub release ring 16 as an annular member which extends around the needle hub 14. This release ring 16 is not at all analogous to the recited “at least two finger members”.

Furthermore, Tripp does not disclose “each finger member being deflectable between a locking position where the finger member retains the needle holder to the housing, and a release position where the needle holder can be retracted into the housing”, as recited by claim 1. The hub release ring 16 is simply not deflectable between varying positions. Instead, the ring 16 is pushed off of the needle hub 14 into the annular channel 42. That is, Tripp does not teach deflection of the release ring 16 as such is required by claim 1.

It is established that “a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As expressed above, every element of amended claim 1 is NOT found in Tripp, thus the reference fails to anticipate the claim. Reconsideration and withdrawal of the relevant section 102 rejection is requested.

Claims 2-5 depend from novel claim 1 and are thus correspondingly novel; reconsideration and withdrawal of the relevant section 102 rejections is requested.

Claim 9 is herein amended similarly to claim 1 and thus, for the reasons expressed above concerning claim 1, the amended claim 9 is novel over Tripp; reconsideration and withdrawal of the relevant section 102 rejections is requested.

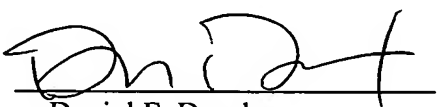
Claim 6 is rejected under 35 U.S.C. 103(a) as allegedly be obvious over Tripp in view of U.S. Patent No. 5,000,736 to Kaufhold. However, Kaufhold does not remedy the deficiencies of Tripp. That is, Kaufhold does not disclose a needle holder having at least two deflectable finger members, as recited. To the contrary, Kaufhold utilizes a hub 16 with thin walled portions configured to allow rupture of the hub 16 to affect releasement of the hub 16 from the interior of a syringe barrel 12. Accordingly, claim 6 is novel and nonobvious for the reasons expressed above with respect to claim 1. Moreover, Kaufhold as combined with Tripp does not render obvious the presently amended claim 1.

All of the rejections are herein addressed and overcome by the current amendments and remarks. No new matter is added herein as support is found throughout the originally filed specification. The application is now believed to be in condition for allowance. Prompt issuance of Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicants' attorney at the below listed phone number regarding this response or otherwise concerning the present application. Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply. If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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Date: 17 SEPT. 2008